

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference: 032174WOGP	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/HU2004/000073	International filing date (day/month/year) 08/07/2004	(Earliest) Priority Date (day/month/year) 10/07/2003
Applicant RICHTER GEDEON VEGYESZETI GYAR RT.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box II).

3. ☐ **Unity of invention is lacking** (see Box III).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regards to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. \_\_\_\_\_

☐ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☒ none of the figures is to be published with the abstract.

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/HU2004/000073

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C07C231/12 C07C231/24 C07C233/63

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C07C

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, CHEM ABS Data

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No
P, X	WO 03/093222 A (GANESH SAMBASIVAM ; PUTHIAPARAMPIL TOM THOMAS (IN); ASWATHANARAYANAPPA) 13 November 2003 (2003-11-13) claim 4; example 4	1, 2
P, X	EP 1 334 963 A (AJINOMOTO KK) 13 August 2003 (2003-08-13) claims 1,5,6; example 1	3
P, X	WO 03/087038 A (NOVARTIS PHARMA GMBH ; NOVARTIS AG (CH); SUTTON PAUL ALLEN (US)) 23 October 2003 (2003-10-23) claim 1	5
P, A	example 1	8
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☒ Further documents are listed in the continuation of box C☒ Patent family members are listed in annex

## \* Special categories of cited documents

\*A\* document defining the general state of the art which is not considered to be of particular relevance

\*E\* earlier document but published on or after the international filing date

\*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

\*O\* document referring to an oral disclosure, use, exhibition or other means

\*P\* document published prior to the international filing date but later than the priority date claimed

\*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

\*X\* document of particular relevance, the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

\*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

\*Z\* document member of the same patent family

Date of the actual completion of the international search

1 December 2004

Date of mailing of the international search report

21. 12. 2004

Name and mailing address of the ISA

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## INTERNATIONAL SEARCH REPORT

International Application No

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## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	SHINKAI H ET AL: "N-(CYCLOHEXYLCARBONYL)-D-PHENYLALANINES AND RELATED COMPOUNDS. A NEW CLASS OF ORAL HYPOGLYCEMIC AGENTS. 2" JOURNAL OF MEDICINAL CHEMISTRY, AMERICAN CHEMICAL SOCIETY. WASHINGTON, US, vol. 32, no. 7, 1989, pages 1436-1441, XP001172441 ISSN: 0022-2623 page 1441, column 2, line 4 - line 15; table 1 -----	1
X	EP 0 196 222 A (AJINOMOTO KK) 1 October 1986 (1986-10-01) example 31 & US 4 816 484 A 28 March 1989 (1989-03-28) cited in the application -----	1
P,A	WO 2004/009532 A (DOLITZKY BEN-ZION ; GOME BOAZ (IL); GOZLAN YIGAEI (IL); TEVA PHARMA (I) 29 January 2004 (2004-01-29) claims 52,53; examples 2,15; table X P,X claim 88; figures 6,40 -----	6
P,X		5
A	US 5 488 150 A (KOGUCHI YOSHIHITO ET AL) 30 January 1996 (1996-01-30) cited in the application column 4, line 9 - column 5, line 55; example B -----	6

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/HU2004/000073**Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)**

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:
  
2. ☐ Claims Nos.:  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
  
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

**Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)**

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. ☒ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☒ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-5, 11 partially

Processes for the preparation of crystalline modification "G" or "H" of nateglinide according to the range of temperature of the acidic liberation

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2. claims: 6-7

Alternative process for the preparation of nateglinide in the crystalline modification "H" by boiling another crystalline form in the presence of an alkane

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3. claims: 8-10, 11 partially

Alternative process for the preparation of chirally pure nateglinide wherein the acidic liberation is accomplished by adding the acid in two portions

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## INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/HU2004/000073

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 03093222	A	13-11-2003	WO 03093222 A1	13-11-2003
EP 1334963	A	13-08-2003	AU 9426501 A	29-04-2002
			BR 0114729 A	14-10-2003
			CA 2425538 A1	10-04-2003
			EP 1334963 A1	13-08-2003
			US 2004030182 A1	12-02-2004
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			WO 0232854 A1	25-04-2002
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EP 0196222	A	01-10-1986	DE 3683662 D1	12-03-1992
			DE 10199054 I1	10-01-2002
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			JP 63054321 A	08-03-1988
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			DE 10199054 I1	10-01-2002
			EP 0196222 A2	01-10-1986
			JP 1725898 C	19-01-1993
			JP 4015221 B	17-03-1992
			JP 63054321 A	08-03-1988
			US RE34878 E	14-03-1995
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			EP 1467964 A1	20-10-2004
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			JP 2508949 B2	19-06-1996
			JP 5208943 A	20-08-1993
			LU 90843 A9	04-02-2002
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			NL 300063 I1	01-12-2001
			BR 1100807 A3	28-12-1999
			DK 526171 T3	25-08-1997